

Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge cardholders.

“(F) Each executive agency ensures its contractual arrangement with each servicing travel charge card issuing contractor contains a requirement to evaluate the creditworthiness of an individual before issuing that individual a travel charge card, and that no individual be issued a travel charge card if that individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use travel charge card or pre-paid card when the individual lacks a credit history or has a credit score below the minimum credit score established by the Office of Management and Budget). The Director of the Office of Management and Budget shall establish a minimum credit score for determining the creditworthiness of an individual based on rigorous statistical analysis of the population of cardholders and historical behaviors. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act.

“(G) Each executive agency utilizes effective systems, techniques, and technologies to prevent or identify improper purchases.

“(H) Each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee.

“(I) Each executive agency utilizes, where appropriate, direct payment to the holder of the travel card contract.

“(2) GUIDANCE ON MANAGEMENT OF TRAVEL CHARGE CARDS.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies governing the implementation of the requirements in paragraph (1).

“(3) PENALTIES FOR VIOLATIONS.—

“(A) IN GENERAL.—Consistent with the guidance prescribed under paragraph (2), each executive agency shall provide for appropriate adverse personnel actions to be imposed in cases in which employees of the executive agency fail to comply with applicable travel charge card terms and conditions or applicable agency regulations or commit fraud with respect to a travel charge card, including removal in appropriate cases.

“(B) REPORTS ON VIOLATIONS.—The guidance prescribed under paragraph (2) shall require each head of an executive agency with more than \$10,000,000 in travel card spending annually, and each inspector general of such an executive agency, on a semiannual basis, to submit to the Director of the Office of Management and Budget a joint report on violations or other actions covered by subparagraph (A) by employees of such executive agency. At a minimum, the report shall set forth the following:

“(i) A description of each violation.

“(ii) A description of any adverse personnel action, punishment, or other action taken against the employee for such violation or other action.

“(4) RISK ASSESSMENTS AND AUDITS.—The inspector general of each executive agency shall—

“(A) conduct periodic assessments of the agency travel charge card program and associated internal controls to identify and analyze risks of illegal, improper, or erroneous travel charges and payments in order to develop a plan for using such risk assessments to determine the scope, frequency, and num-

ber of periodic audits of travel charge card transactions;

“(B) perform periodic analysis and audits, as appropriate, of travel charge card transactions designed to identify potentially improper, erroneous, and illegal uses of travel charge cards;

“(C) report to the head of the executive agency concerned on the results of such analysis and audits; and

“(D) report to the Director of the Office of Management and Budget on the implementation of recommendations made to the head of the executive agency to address findings of any analysis or audit of travel charge card transactions or programs for compilation and transmission by the Director to Congress and the Comptroller General.

“(5) DEFINITIONS.—In this subsection:

“(A) The term ‘executive agency’ means an agency as that term is defined in subparagraphs (A) and (B) of section 5701(1) of title 5, United States Code.

“(B) The term ‘travel charge card’ means any Federal contractor-issued travel charge card that is individually billed to each cardholder.”.

**SEC. 4. MANAGEMENT OF CENTRALLY BILLED ACCOUNTS.**

(a) REQUIRED INTERNAL CONTROLS FOR CENTRALLY BILLED ACCOUNTS.—The head of an executive agency that has employees who use a travel charge card that is billed directly to the United States Government shall establish and maintain the following internal control activities:

(1) Items submitted on an employee's travel voucher shall be compared with items paid for using a centrally billed account on any related travel to ensure that an employee is not reimbursed for an item already paid for by the United States Government through a centrally billed account.

(2) The executive agency shall dispute unallowable and erroneous charges and track the status of the disputed transactions to ensure appropriate resolution.

(3) The executive agency shall submit requests to servicing airlines for refunds of fully or partially unused tickets, when entitled to such refunds, and track the status of unused tickets to ensure appropriate resolution.

(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies implementing the requirements of subsection (a).

**SEC. 5. CONSTRUCTION.**

Nothing in this Act shall be construed to excuse the head of an executive agency from the responsibilities set out in section 3512 of title 31, United States Code, or in the Improper Payments Act of 2002 (31 U.S.C. 3321 note).

**VETERANS' INSURANCE AND BENEFITS ENHANCEMENT ACT OF 2009**

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 155, S. 728.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 728) to amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee

on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans' Benefits Enhancement Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reference to title 38, United States Code.

**TITLE I—INSURANCE MATTERS**

Sec. 101. Increase in amount of supplemental insurance for totally disabled veterans.

Sec. 102. Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.

Sec. 103. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

Sec. 104. Consideration of loss of dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.

Sec. 105. Enhancement of veterans' mortgage life insurance.

**TITLE II—COMPENSATION AND PENSION MATTERS**

Sec. 201. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.

Sec. 202. Eligibility of veterans 65 years of age or older for service pension for a period of war.

Sec. 203. Clarification of additional requirements for consideration to be afforded time, place, and circumstances of service in determinations regarding service-connected disabilities.

Sec. 204. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 205. Enhancement of disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury.

Sec. 206. Commencement of period of payment of original awards of compensation for veterans retired or separated from the uniformed services for catastrophic disability.

Sec. 207. Applicability of limitation to pension payable to certain children of veterans of a period of war.

Sec. 208. Payment of dependency and indemnity compensation to survivors of former prisoners of war who died on or before September 30, 1999.

**TITLE III—READJUSTMENT AND RELATED BENEFIT MATTERS**

Sec. 301. Repeal of limitation on number of veterans enrolled in programs of independent living services and assistance.

Sec. 302. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 303. Enhancement of automobile assistance allowance for veterans.

Sec. 304. Payment of unpaid balances of Department of Veterans Affairs guaranteed loans.

**TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

Sec. 401. Waiver of sovereign immunity under the 11th Amendment with respect to enforcement of USERRA.

Sec. 402. Clarifying the definition of “successor in interest”.

Sec. 403. Clarifying that USERRA prohibits wage discrimination against members of the Armed Forces.

Sec. 404. Requirement that Federal agencies provide notice to contractors of potential USERRA obligations.

Sec. 405. Comptroller General of the United States study on effectiveness of Federal programs of education and outreach on employer obligations under USERRA.

Sec. 406. Technical amendments.

**TITLE V—BURIAL AND MEMORIAL MATTERS**

Sec. 501. Supplemental benefits for veterans for funeral and burial expenses.

Sec. 502. Supplemental plot allowances.

**TITLE VI—OTHER MATTERS**

Sec. 601. National Academies review of best treatments for Gulf War Illness.

Sec. 602. Extension of National Academy of Sciences reviews and evaluations regarding illness and service in Persian Gulf War.

Sec. 603. Extension of authority for regional office in Republic of the Philippines.

Sec. 604. Aggregate amount of educational assistance available to individuals who receive both survivors’ and dependents educational assistance and other veterans and related educational assistance.

Sec. 605. Technical correction.

**SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

**TITLE I—INSURANCE MATTERS****SEC. 101. INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.**

Section 1922A(a) is amended by striking “\$20,000” and inserting “\$30,000”.

**SEC. 102. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

“(ii)(I) in the case of a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title, 120 days after separation or release from such assignment; or

“(II) in the case of any other member of the uniformed services, 120 days after the date of the member’s separation or release from the uniformed services; or”.

**SEC. 103. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 104. CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

(a) IN GENERAL.—Section 1980A(d) is amended—

(1) by striking “Payments under” and inserting “(1) Payments under”; and

(2) by adding at the end the following new paragraph:

“(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a nondominant hand.”.

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as added by subsection (a)(2) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term “qualifying loss” means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

**SEC. 105. ENHANCEMENT OF VETERANS’ MORTGAGE LIFE INSURANCE.**

(a) IN GENERAL.—Section 2106(b) is amended by striking “\$90,000” and inserting “\$150,000, or \$200,000 after January 1, 2012.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2010.

**TITLE II—COMPENSATION AND PENSION MATTERS****SEC. 201. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.**

Section 1311(f) is amended—

(1) in paragraph (1), by inserting “(as increased from time to time under paragraph (4))” after “\$250”;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.”.

**SEC. 202. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.**

(a) IN GENERAL.—Section 1513 is amended—

(1) in subsection (a), by striking “by section 1521” and all that follows and inserting “by subsection (b), (c), (f)(1), (f)(5), or (g) of that

section, as the case may be and as increased from time to time under section 5312 of this title.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section.”.

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to any claim for pension filed on or after the date of the enactment of this Act.

**SEC. 203. CLARIFICATION OF ADDITIONAL REQUIREMENTS FOR CONSIDERATION TO BE AFFORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE IN DETERMINATIONS REGARDING SERVICE-CONNECTED DISABILITIES.**

(a) IN GENERAL.—Subsection (a) of section 1154 is amended to read as follows:

“(a) The Secretary shall include in the regulations pertaining to service-connection of disabilities the following:

“(1) Provisions requiring that, in each case where a veteran is seeking service-connection for any disability, due consideration shall be given to the places, types, and circumstances of such veteran’s service as shown by—

“(A) such veteran’s service record;

“(B) the official history of each organization in which such veteran served;

“(C) such veteran’s medical records; and

“(D) all pertinent medical and lay evidence.

“(2) Provisions generally recognizing circumstances in which lay evidence consistent with the place, conditions, dangers, or hardships associated with particular military service does not require confirmatory official documentary evidence in order to establish the occurrence of an event or exposure during active military, naval, or air service.

“(3) The provisions required by section 5 of the Veterans’ Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542; 98 Stat. 2727).”.

**(b) REGULATIONS.—**

(1) IN GENERAL.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall promulgate regulations to implement section 1154(a)(2) of title 38, United States Code, as added by subsection (a).

(2) INTERIM REGULATIONS.—In the case that the Secretary is unable to promulgate final regulations under paragraph (1) on or before the date that is 210 days after the date of the enactment of this Act, the Secretary shall promulgate interim regulations on or before such date to be in effect until such time as the Secretary promulgates final regulations.

**SEC. 204. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.**

Section 5503(d)(7) is amended by striking “September 30, 2011” and inserting “September 30, 2014”.

**SEC. 205. ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.**

(a) VETERANS SUFFERING ANATOMICAL LOSS OF HANDS, ARMS, OR LEGS.—Section 1114 is amended—

(1) in subsection (m)—

(A) by striking “at a level, or with complications,” and inserting “with factors”; and

(B) by striking “at levels, or with complications,” and inserting “with factors”;

(2) in subsection (n)—

(A) by striking “at levels, or with complications,” and inserting “with factors”;

(B) by striking "so near the hip as to" and inserting "with factors that"; and

(C) by striking "so near the shoulder and hip as to" and inserting "with factors that"; and

(3) in subsection (o), by striking "so near the shoulder as to" and inserting "with factors that".

(b) VETERANS WITH SERVICE-CONNECTED DISABILITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (p), by striking the semicolon at the end and inserting a period; and

(B) by adding at the end the following new subsection:

"(t) Subject to section 5503(c) of this title, if any veteran, as the result of service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other residential institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), which for purposes of section 1134 of this title shall be considered as additional compensation payable for disability. An allowance authorized under this subsection shall be paid in lieu of any allowance authorized by subsection (r)(1)."

(2) CONFORMING AMENDMENT.—Section 5503(c) is amended by striking "in section 1114(r)" and inserting "in subsection (r) or (t) of section 1114".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 31, 2010.

**SEC. 206. COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY.**

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Subsection (a) of section 5111 is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking "in subsection (c) of this section" and inserting "in paragraph (2) of this subsection and subsection (c)"; and

(3) by adding at the end the following new paragraph:

"(2)(A) In the case of a veteran who is retired or separated from the active military, naval, or air service for a catastrophic disability or disabilities, payment of monetary benefits based on an award of compensation based on an original claim shall be made as of the date on which such award becomes effective as provided under section 5110 of this title or another applicable provision of law.

"(B) In this paragraph, the term 'catastrophic disability', with respect to a veteran, means a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to awards of compensation based on original claims that become effective on or after that date.

(c) TECHNICAL CORRECTION REGARDING WAIVER OF RETIRED PAY.—Section 5305 is amended by striking "section 1414" and inserting "sections 1212(d)(2) and 1414".

**SEC. 207. APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.**

Section 5503(d)(5) is amended—

(1) by inserting "(A)" after "(5)"; and

(2) by adding at the end the following new subparagraph:

"(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.".

**SEC. 208. PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999.**

Section 1318(b)(3) is amended by striking "who died after September 30, 1999".

**TITLE III—READJUSTMENT AND RELATED BENEFIT MATTERS**

**SEC. 301. REPEAL OF LIMITATION ON NUMBER OF VETERANS ENROLLED IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.**

(a) IN GENERAL.—Section 3120 is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking "described in subsection (f)" and inserting "described in subsection (e)".

**SEC. 302. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.**

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "in subclause (i), (ii), or (iii) below" and inserting "in clause (i), (ii), (iii), or (iv) of this subparagraph"; and

(B) by adding at the end the following new clause:

"(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary); and

(2) in subparagraph (B), by striking "subclause (i), (ii), or (iii) of clause (A) of this paragraph" and inserting "clause (i), (ii), (iii), or (iv) of subparagraph (A)".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking "chapter—" and inserting "chapter:";

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "means—" and inserting "means the following:";

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "any veteran" and inserting "Any veteran";

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking ";" or" and inserting a period; and

(C) in subparagraph (B), by striking "any member" and inserting "Any member".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 303. ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS.**

(a) INCREASE IN AMOUNT OF ALLOWANCE.—Subsection (a) of section 3902 is amended by striking "\$11,000" and inserting "\$22,500 (as adjusted from time to time under subsection (e))".

(b) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2011), the Secretary shall increase the

dollar amount in effect under subsection (a) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

"(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 304. PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS.**

Section 3732(a)(2) is amended—

(1) by striking "Before suit" and inserting "(A) Before suit"; and

(2) by adding at the end the following new subparagraph:

"(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obligation the unpaid balance of the obligation due as of the date of the filing of the petition under title 11 plus accrued interest, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.".

**TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

**SEC. 401. WAIVER OF SOVEREIGN IMMUNITY UNDER THE 11TH AMENDMENT WITH RESPECT TO ENFORCEMENT OF USERRA.**

(a) IN GENERAL.—Section 4323 is amended—

(1) in subsection (b) by striking paragraph (2) and inserting the following new paragraph:

"(2) In the case of an action against a State (as an employer) by a person, the action may be brought in the appropriate district court of the United States or State court of competent jurisdiction.";

(2) by redesignating subsection (i) as subsection (j); and

(3) by inserting after subsection (h) the following new subsection (i):

"(i) **WAIVER OF STATE SOVEREIGN IMMUNITY.**—(1) A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by—

"(A) a person who is or was an employee in that program or activity for the rights or benefits authorized the person by this chapter;

"(B) a person applying to be such an employee in that program or activity for the rights or benefits authorized the person by this chapter; or

"(C) a person seeking reemployment as an employee in that program or activity for the rights or benefits authorized the person by this chapter.

"(2) In this subsection, the term 'program or activity' has the meaning given that term in section 309 of the Age Discrimination Act of 1975 (42 U.S.C. 6107).".

(b) APPLICATION.—The amendments made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are commenced after the date of the enactment of this Act.

**SEC. 402. CLARIFYING THE DEFINITION OF "SUCCESSOR IN INTEREST".**

(a) IN GENERAL.—Section 4303(4) is amended by adding at the end the following new subparagraph:

“(D)(i) Whether the term ‘successor in interest’ applies with respect to an entity described in subparagraph (A) for purposes of clause (iv) of such subparagraph shall be determined on a case-by-case basis using a multi-factor test that considers the following factors:

“(I) Substantial continuity of business operations.

“(II) Use of the same or similar facilities.

“(III) Continuity of work force.

“(IV) Similarity of jobs and working conditions.

“(V) Similarity of supervisory personnel.

“(VI) Similarity of machinery, equipment, and production methods.

“(VII) Similarity of products or services.

“(ii) The entity’s lack of notice or awareness of a potential or pending claim under this chapter at the time of a merger, acquisition, or other form of succession shall not be considered when applying the multi-factor test under clause (i).”

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 403. CLARIFYING THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Section 4303(2) is amended by striking “other than” and inserting “including”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 404. REQUIREMENT THAT FEDERAL AGENCIES PROVIDE NOTICE TO CONTRACTORS OF POTENTIAL USERRA OBLIGATIONS.**

(a) CIVILIAN AGENCIES.—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

**“SEC. 318. NOTICE TO CONTRACTORS OF POTENTIAL OBLIGATIONS RELATING TO EMPLOYMENT AND REEMPLOYMENT OF MEMBERS OF THE ARMED FORCES.**

“Each contract for the procurement of property or services that is entered into by the head of an executive agency shall include a notice to the contractor that the contractor may have obligations under chapter 43 of title 38, United States Code.”.

(b) ARMED FORCES.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2334. Notice to contractors of potential obligations relating to employment and reemployment of members of the armed forces**

“Each contract for the procurement of property or services that is entered into by the head of an executive agency shall include a notice to the contractor that the contractor may have obligations under chapter 43 of title 38.”.

(2) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new item:

“2334. Notice to contractors of potential obligations relating to employment and reemployment of members of the armed forces.”.

**SEC. 405. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON EFFECTIVENESS OF FEDERAL PROGRAMS OF EDUCATION AND OUTREACH ON EMPLOYER OBLIGATIONS UNDER USERRA.**

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the effectiveness of Federal programs of education and outreach on employer obligations under chapter 43 of title 38, United States Code.

(b) CONTENTS OF STUDY.—In carrying out the study required by subsection (a), the Comptroller General shall—

(1) assess current practices and procedures of Federal agencies for educating employers about their obligations under chapter 43 of title 38, United States Code;

(2) identify best practices for bringing the employment practices of small businesses into compliance with such chapter;

(3) determine whether the Employer Support for the Guard and Reserve, the Small Business Administration, or other agencies could collaborate to develop a program to educate employers regarding their obligations under such chapter; and

(4) determine the effect on recruitment and retention in the National Guard and Reserves of the failure of employers to meet their reemployment obligations under such chapter.

(c) REPORT TO CONGRESS.—Not later than June 30, 2010, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), including the following:

(1) The findings of the Comptroller General with respect to such study.

(2) The recommendations of the Comptroller General for the improvement of education and outreach for employers with respect to their obligations under chapter 43 of title 38, United States Code.

**SEC. 406. TECHNICAL AMENDMENTS.**

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—Section 206(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1316(b)) is amended by striking “under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code” and inserting “under section 4323(d) of title 38, United States Code”.

(b) AMENDMENT TO SECTION 416 OF TITLE 3, UNITED STATES CODE.—Section 416(b) of title 3, United States Code, is amended by striking “under paragraphs (1) and (2)(A) of section 4323(c) of title 38” and inserting “under section 4323(d) of title 38”.

(c) AMENDMENT TO SECTION 4324 OF TITLE 38, UNITED STATES CODE.—Section 4324(b)(4) of title 38, United States Code, is amended by inserting before the period the following: “declining to initiate an action and represent the person before the Merit Systems Protection Board”.

**TITLE V—BURIAL AND MEMORIAL MATTERS**

**SEC. 501. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.**

(a) FUNERAL EXPENSES.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2302 the following new section:

**“§2302A. Funeral expenses: supplemental benefits**

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided

for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$900 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2010, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) The Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

“2302A. Funeral expenses: supplemental benefits.”.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) DEATH FROM SERVICE-CONNECTED DISABILITY.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

**“§2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses**

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment

under this section for the cost of such burial and funeral.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$2,100 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2010, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

“2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.”.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to deaths occurring on or after that date.

#### SEC. 502. SUPPLEMENTAL PLOT ALLOWANCES.

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

#### §2303A. Supplemental plot allowance

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for pur-

poses of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

“(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$445 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2010, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental plot allowance payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

#### “2303A. Supplemental plot allowance.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

## TITLE VI—OTHER MATTERS

### SEC. 601. NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive review of the best treatments for Gulf War Illness.

(b) GROUP OF MEDICAL PROFESSIONALS.—In conducting the study required under subsection (a), the Institute of Medicine shall convene a group of medical professionals who are experienced in treating individuals diagnosed with Gulf War illness as follows:

(1) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(2) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(c) REPORTS.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary and to the appropriate committees of Congress a report on the review required under subsection (a) not later than December 31, 2011. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the review.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the review required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Veterans’ Affairs of the House of Representatives.

(2) GULF WAR ILLNESS.—The term “Gulf War Illness” means a medically unexplained chronic multisymptom illness, such as chronic fatigue syndrome, fibromyalgia, and irritable bowel syndrome, that is defined by a cluster of signs or symptoms relating to service in the Persian Gulf War or Post 9/11 Global Operations theaters.

(3) PERSIAN GULF WAR.—The term “Persian Gulf War” has the meaning given that term in section 101(33) of title 38, United States Code.

(4) POST 9/11 GLOBAL OPERATIONS THEATERS.—The term “Post 9/11 Global Operations theaters” means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

### SEC. 602. EXTENSION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.

(a) REVIEW AND EVALUATION OF TOXIC DRUGS AND ILLNESSES ASSOCIATED WITH PERSIAN GULF WAR.—Section 1603(j) of the Persian Gulf War Veterans Act of 1998 (38 U.S.C. 1117 note) is amended by striking “October 1, 2010” and inserting “October 1, 2015”.

(b) REVIEW AND EVALUATION OF AVAILABLE EVIDENCE REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.—

(1) IN GENERAL.—Section 101(j) of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368; 112 Stat. 3321) is amended by striking “11 years after” and all that follows through “under subsection (b)” and inserting “on October 1, 2018”.

(2) CONFORMING AMENDMENT.—Section 1604 of the Persian Gulf War Veterans Act of 1998 (Public Law 105-277; 38 U.S.C. 1117 note) is repealed.

### SEC. 603. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

**SEC. 604. AGGREGATE AMOUNT OF EDUCATIONAL ASSISTANCE AVAILABLE TO INDIVIDUALS WHO RECEIVE BOTH SURVIVORS' AND DEPENDENTS EDUCATIONAL ASSISTANCE AND OTHER VETERANS' AND RELATED EDUCATIONAL ASSISTANCE.**

(a) **AGGREGATE AMOUNT AVAILABLE.**—Section 3695 is amended—  
 (1) in subsection (a)(4), by striking “35,”; and  
 (2) by adding at the end the following new subsection:

“(c) The aggregate period for which any person may receive assistance under chapter 35 of this title, on the one hand, and any of the provisions of law referred to in subsection (a), on the other hand, may not exceed 81 months (or the part-time equivalent thereof).”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall take effect on October 1, 2010, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date.

(c) **REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2010, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2010, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

(2) **LIMITATION.**—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months.

**SEC. 605. TECHNICAL CORRECTION.**

Section 5503(c) is amended by striking “veterans” and inserting “veteran’s”.

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on S. 728, the proposed “Veterans’ Benefits Enhancement Act of 2009.” This broad benefits package will help veterans young and old, as well as their survivors. The amended bill contains 6 titles and 28 provisions that are designed to enhance compensation, housing, labor and education, burial, and insurance benefits for veterans. A full explanation of the bill is available in the Committee’s report accompanying this legislation, Senate Report 111-71.

I will highlight a few of the provisions that I have sponsored in the legislation that is before us today. Before I begin, let me state that the version before us today includes a manager’s amendment that makes a slight modification on the version passed by the Committee. The amendment’s purpose is to pay for the bill’s burial provisions by extending a mandatory offset currently in the underlying bill. The amendment would also eliminate two contingent entitlement provisions in the bill which are not paid for with mandatory funds. With this amendment incorporated, this bill would save, rather than cost, the American taxpayers.

Many disabled veterans find it difficult to obtain commercial life insur-

ance, often due to their service-connected injuries. This legislation would improve the Service-Disabled Veterans’ Insurance program for totally disabled veterans, by providing the first increase in the maximum amount of supplemental insurance they can purchase through SDVI since 1992. If enacted, the maximum amount would increase from the current level of \$20,000 to \$30,000 for all eligible totally disabled veterans.

This legislation would also increase the maximum amount of Veterans’ Mortgage Life Insurance that a disabled veteran may purchase. The VMLI program was established in 1971 and is available to those service-connected disabled veterans who receive specially adapted housing grants from VA. In the event of the veteran’s death, his or her family is protected because the Department of Veterans Affairs will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

In today’s housing market where, according to the Federal Housing Finance Board, the average mortgage loan in the United States in May 2009 was \$221,200, the current maximum of \$90,000 in VMLI insurance protection is not adequate. This bill will increase the maximum amount of insurance that may be purchased under the VMLI program from the current maximum of \$90,000 to \$150,000 and then, on January 1, 2012, from \$150,000 to \$200,000.

This benefits package also includes a provision that will expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers’ Group Life Insurance program, commonly referred to as TSGLI. Section 1032 of Public Law 109-13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, established traumatic injury protection under the SGLI program. TSGLI went into effect on December 1, 2005. Therefore, all insured service-members under SGLI from that point forward are also insured under TSGLI and their injuries are covered regardless of where they occur. In order to provide assistance to those service-members who suffered traumatic injuries on or between October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of the Supplemental Appropriations Act to individuals whose qualifying losses were sustained “as a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.” Under section 501(b) of Public Law 109-233, the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose

qualifying losses were sustained “as a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom.”

However, without corrective action, men and women who were traumati-

cally injured on or between October 7, 2001, and November 30, 2005, but were not in the OIF or OEF theaters of operation, will continue to be denied the same retroactive payment given to their wounded comrades. This legislation would correct that inequity.

Importantly, this legislation will also relieve the burden on certain combat veterans who seek to prove that their disabilities are service-connected. The committee bill would direct VA to promulgate regulations that direct how VA should generally consider lay evidence that is consistent with the place, conditions, dangers, or hardships associated with a particular veteran’s military service. For example, in assessing lay testimony concerning a claimant’s exposure to sub-freezing conditions, the regulation may acknowledge that lay evidence, such as weather reports or contemporaneous newspaper accounts of sub-freezing conditions, may provide corroboration of exposure to the cold when a servicemember was assigned to an area when sub-freezing conditions were present. Another example would be in a claim alleging hearing loss or tinnitus. Although an individual’s service record might not include details of exposure to improvised explosive devices the individual may have been assigned to a particular unit at a particular location where lay evidence shows that the unit was repeatedly exposed to IEDs.

Currently, VA provides a special dependency and indemnity compensation payment to a surviving spouse with one or more children under the age of 18. However, these payments are not adjusted. This legislation would provide automatic cost-of-living adjustments for these payments.

For veterans whose injuries are so significant that employment is not an option, VA operates an independent living rehabilitation program to help them achieve a maximum level of independence in daily life. Unfortunately, under current law, the number of veterans who in any one year can enroll in these programs is capped at 2,600. While I have heard from VA that this enrollment cap does not present any problem for the effective conduct of the program, I remain concerned that the effect of the cap is to put downward pressure on VA’s enrollment of eligible veterans in this very important program. This is of particular concern today, as veterans are returning from the current conflicts with disabilities that may require extensive periods of rehabilitation and assistance in order to achieve independence in their daily lives. This legislation would remove the 2,600 cap and allow all qualified veterans to enroll in VA’s independent living program.

This legislation would provide many other benefits that I have not mentioned, such as improving the lives of veterans and troops with severe burn injuries and clarifying veteran and reservists’ employment rights. I thank the members of the Veterans’ Affairs

Committee and others in this Chamber who have worked hard to craft the many provisions in this bill.

I urge our colleagues to support this important legislation that would benefit many of this Nation's nearly 24 million veterans and their families.

Mr. BENNET. I ask unanimous consent the committee-reported substitute amendment be considered, that an Akaka amendment which is at the desk be agreed to, the committee-reported substitute, as amended, be agreed to, and the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2654) was agreed to, as follows:

On page 39, line 10, strike "September 30, 2014" and insert "April 30, 2016".

On page 54, strike line 18 and all that follows through page 61, line 6.

On page 61, strike line 7 and all that follows through page 64, line 16, and insert the following:

**SEC. 501. INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.**

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(1)(A) is amended by striking "\$300" and inserting "\$745 (as increased from time to time under subsection (c))".

(b) INCREASE IN AMOUNT OF PLOT ALLOWANCES.—Section 2303(b) is amended by striking "\$300" each place it appears and inserting "\$745 (as increased from time to time under subsection (c))".

(c) ANNUAL ADJUSTMENT.—Section 2303 is amended by adding at the end the following new subsection:

"(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under subsection (a) and in the plot allowance under subsection (b), equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1)."

**(d) EFFECTIVE DATE.**

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2010.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2011.—No adjustments shall be made under section 2303(c) of title 38, United States Code, as added by subsection (c), for fiscal year 2011.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 728), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. BENNET. I now ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 1037 and the Senate proceed to its consideration; that all after the enacting clause be stricken and the text of S. 728, as amended, be inserted in lieu thereof; the bill, as amended, be read a third

time and passed; the motions to reconsider be laid upon the table; that upon passage of H.R. 1037, S. 728 be returned to the calendar, all with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1037), as amended, was read the third time and passed, as follows:

**H.R. 1037**

*Resolved*, That the bill from the House of Representatives (H.R. 1037) entitled "An Act to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans' Benefits Enhancement Act of 2009".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reference to title 38, United States Code.

**TITLE I—INSURANCE MATTERS**

Sec. 101. Increase in amount of supplemental insurance for totally disabled veterans.

Sec. 102. Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.

Sec. 103. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

Sec. 104. Consideration of loss of dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.

Sec. 105. Enhancement of veterans' mortgage life insurance.

**TITLE II—COMPENSATION AND PENSION MATTERS**

Sec. 201. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.

Sec. 202. Eligibility of veterans 65 years of age or older for service pension for a period of war.

Sec. 203. Clarification of additional requirements for consideration to be afforded time, place, and circumstances of service in determinations regarding service-connected disabilities.

Sec. 204. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.

Sec. 205. Enhancement of disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury.

Sec. 206. Commencement of period of payment of original awards of compensation for veterans retired or separated from the uniformed services for catastrophic disability.

Sec. 207. Applicability of limitation to pension payable to certain children of veterans of a period of war.

Sec. 208. Payment of dependency and indemnity compensation to survivors of former prisoners of war who died on or before September 30, 1999.

**TITLE III—READJUSTMENT AND RELATED BENEFIT MATTERS**

Sec. 301. Repeal of limitation on number of veterans enrolled in programs of independent living services and assistance.

Sec. 302. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 303. Enhancement of automobile assistance allowance for veterans.

Sec. 304. Payment of unpaid balances of Department of Veterans Affairs guaranteed loans.

**TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

Sec. 401. Waiver of sovereign immunity under the 11th Amendment with respect to enforcement of USERRA.

Sec. 402. Clarifying the definition of "successor in interest".

Sec. 403. Clarifying that USERRA prohibits wage discrimination against members of the Armed Forces.

Sec. 404. Requirement that Federal agencies provide notice to contractors of potential USERRA obligations.

Sec. 405. Comptroller General of the United States study on effectiveness of Federal programs of education and outreach on employer obligations under USERRA.

Sec. 406. Technical amendments.

**TITLE V—BURIAL AND MEMORIAL MATTERS**

Sec. 501. Increase in certain burial and funeral benefits and plot allowances for veterans.

**TITLE VI—OTHER MATTERS**

Sec. 601. National Academies review of best treatments for Gulf War Illness.

Sec. 602. Extension of National Academy of Sciences reviews and evaluations regarding illness and service in Persian Gulf War.

Sec. 603. Extension of authority for regional office in Republic of the Philippines.

Sec. 604. Aggregate amount of educational assistance available to individuals who receive both survivors' and dependents educational assistance and other veterans and related educational assistance.

Sec. 605. Technical correction.

**SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

**TITLE I—INSURANCE MATTERS**

**SEC. 101. INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.**

Section 1922A(a) is amended by striking "\$20,000" and inserting "\$30,000".

**SEC. 102. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.**

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

"(ii)(I) in the case of a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title, 120 days after separation or release from such assignment; or

“(II) in the case of any other member of the uniformed services, 120 days after the date of the member’s separation or release from the uniformed services; or”.

**SEC. 103. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 104. CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.**

(a) IN GENERAL.—Section 1980A(d) is amended—

(1) by striking “Payments under” and inserting “(1) Payments under”; and

(2) by adding at the end the following new paragraph:

“(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a nondominant hand.”

**(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.**—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as added by subsection (a)(2) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term “qualifying loss” means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

**SEC. 105. ENHANCEMENT OF VETERANS’ MORTGAGE LIFE INSURANCE.**

(a) IN GENERAL.—Section 2106(b) is amended by striking “\$90,000” and inserting “\$150,000, or \$200,000 after January 1, 2012.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2010.

**TITLE II—COMPENSATION AND PENSION MATTERS**

**SEC. 201. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.**

Section 1311(f) is amended—

(1) in paragraph (1), by inserting “(as increased from time to time under paragraph (4))” after “\$250”;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) Whenever there is an increase in benefit amounts payable under title II of the Social Se-

curity Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.”.

**SEC. 202. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.**

(a) IN GENERAL.—Section 1513 is amended—

(1) in subsection (a), by striking “by section 1521” and all that follows and inserting “by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section.”.

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to any claim for pension filed on or after the date of the enactment of this Act.

**SEC. 203. CLARIFICATION OF ADDITIONAL REQUIREMENTS FOR CONSIDERATION TO BE AFFORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE IN DETERMINATIONS REGARDING SERVICE-CONNECTED DISABILITIES.**

(a) IN GENERAL.—Subsection (a) of section 1154 is amended to read as follows:

“(a) The Secretary shall include in the regulations pertaining to service-connection of disabilities the following:

“(1) Provisions requiring that, in each case where a veteran is seeking service-connection for any disability, due consideration shall be given to the places, types, and circumstances of such veteran’s service as shown by—

“(A) such veteran’s service record;

“(B) the official history of each organization in which such veteran served;

“(C) such veteran’s medical records; and

“(D) all pertinent medical and lay evidence.

“(2) Provisions generally recognizing circumstances in which lay evidence consistent with the place, conditions, dangers, or hardships associated with particular military service does not require confirmatory official documentary evidence in order to establish the occurrence of an event or exposure during active military, naval, or air service.

“(3) The provisions required by section 5 of the Veterans’ Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542; 98 Stat. 2727).”.

**(b) REGULATIONS.**—

(1) IN GENERAL.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall promulgate regulations to implement section 1154(a)(2) of title 38, United States Code, as added by subsection (a).

(2) INTERIM REGULATIONS.—In the case that the Secretary is unable to promulgate final regulations under paragraph (1) on or before the date that is 210 days after the date of the enactment of this Act, the Secretary shall promulgate interim regulations on or before such date to be in effect until such time as the Secretary promulgates final regulations.

**SEC. 204. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.**

Section 5503(d)(7) is amended by striking “September 30, 2011” and inserting “April 30, 2016”.

**SEC. 205. ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.**

(a) VETERANS SUFFERING ANATOMICAL LOSS OF HANDS, ARMS, OR LEGS.—Section 1114 is amended—

(1) in subsection (m)—

(A) by striking “at a level, or with complications,” and inserting “with factors”; and

(B) by striking “at levels, or with complications,” and inserting “with factors”;

(2) in subsection (n)—

(A) by striking “at levels, or with complications,” and inserting “with factors”; and

(B) by striking “so near the hip as to” and inserting “with factors that”; and

(C) by striking “so near the shoulder and hip as to” and inserting “with factors that”; and

(3) in subsection (o), by striking “so near the shoulder as to” and inserting “with factors that”.

**(b) VETERANS WITH SERVICE-CONNECTED DISABILITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.**—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (p), by striking the semicolon at the end and inserting a period; and

(B) by adding at the end the following new subsection:

“(t) Subject to section 5503(c) of this title, if any veteran, as the result of service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other residential institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), which for purposes of section 1134 of this title shall be considered as additional compensation payable for disability. An allowance authorized under this subsection shall be paid in lieu of any allowance authorized by subsection (r)(1).”.

(2) CONFORMING AMENDMENT.—Section 5503(c) is amended by striking “in section 1114(r)” and inserting “in subsection (r) or (t) of section 1114”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 31, 2010.

**SEC. 206. COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY.**

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Subsection (a) of section 5111 is amended—

(1) by inserting “(1)” after “(a)”;

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking “in subsection (c) of this section” and inserting “in paragraph (2) of this subsection and subsection (c)”;

(3) by adding at the end the following new paragraph:

“(2)(A) In the case of a veteran who is retired or separated from the active military, naval, or air service for a catastrophic disability or disabilities, payment of monetary benefits based on an award of compensation based on an original claim shall be made as of the date on which such award becomes effective as provided under section 5110 of this title or another applicable provision of law.

“(B) In this paragraph, the term ‘catastrophic disability’, with respect to a veteran, means a permanent, severely disabling injury, disorder, or disease that compromises the ability of the

veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to awards of compensation based on original claims that become effective on or after that date.

(c) **TECHNICAL CORRECTION REGARDING WAIVER OF RETIRED PAY.**—Section 5305 is amended by striking “section 1414” and inserting “sections 1212(d)(2) and 1414”.

**SEC. 207. APPLICABILITY OF LIMITATION TO PEN- SION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.**

Section 5503(d)(5) is amended—

- (1) by inserting “(A)” after “(5)”; and
- (2) by adding at the end the following new subparagraph:

“(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.”.

**SEC. 208. PAYMENT OF DEPENDENCY AND INDEM- NITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEP- TEMBER 30, 1999.**

Section 1318(b)(3) is amended by striking “who died after September 30, 1999.”.

**TITLE III—READJUSTMENT AND RELATED BENEFIT MATTERS**

**SEC. 301. REPEAL OF LIMITATION ON NUMBER OF VETERANS ENROLLED IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.**

(a) **IN GENERAL.**—Section 3120 is amended—

- (1) by striking subsection (e); and
- (2) by redesignating subsection (f) as subsection (e).

(b) **CONFORMING AMENDMENT.**—Subsection (a) of such section is amended by striking “de- scribed in subsection (f)” and inserting “de- scribed in subsection (e)”.

**SEC. 302. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.**

(a) **ELIGIBILITY.**—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “in subclause (i), (ii), or (iii) below” and inserting “in clause (i), (ii), (iii), or (iv) of this subparagraph”; and

(B) by adding at the end the following new clause:

“(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary);” and

(2) in subparagraph (B), by striking “sub- clause (i), (ii), or (iii) of clause (A) of this paragraph” and inserting “clause (i), (ii), (iii), or (iv) of subparagraph (A)”.

(b) **STYLISTIC AMENDMENTS.**—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “means—” and inserting “means the following:”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “any veteran” and inserting “Any veter- eran”;

(ii) in clauses (i) and (ii), by striking the semi- colon at the end and inserting a period; and

(iii) in clause (iii), by striking “; or” and inserting a period; and

(C) in subparagraph (B), by striking “any member” and inserting “Any member”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 303. ENHANCEMENT OF AUTOMOBILE AS- SISTANCE ALLOWANCE FOR VET- ERANS.**

(a) **INCREASE IN AMOUNT OF ALLOWANCE.**—Subsection (a) of section 3902 is amended by striking “\$11,000” and inserting “\$22,500 (as ad- justed from time to time under subsection (e))”.

(b) **ANNUAL ADJUSTMENT.**—Such section is fur- ther amended by adding at the end the fol- lowing new subsection:

“(e)(1) Effective on October 1 of each year (be- ginning in 2011), the Secretary shall increase the dollar amount in effect under subsection (a) to an amount equal to 80 percent of the average re- tail cost of new automobiles for the preceding calendar year.

“(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is ap- propriate for purposes of this subsection.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

**SEC. 304. PAYMENT OF UNPAID BALANCES OF DE-PARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS.**

Section 3732(a)(2) is amended—

- (1) by striking “Before suit” and inserting “(A) Before suit”; and
- (2) by adding at the end the following new subparagraph:

“(B) In the event that a housing loan guaran- teed under this chapter is modified under the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obli- gation the unpaid balance of the obligation due as of the date of the filing of the petition under title 11 plus accrued interest, but only upon the assignment, transfer, and delivery to the Sec- retary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evi- dence, and records with respect to the housing loan.”.

**TITLE IV—EMPLOYMENT AND REEMPLOY- MENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

**SEC. 401. WAIVER OF SOVEREIGN IMMUNITY UNDER THE 11TH AMENDMENT WITH RESPECT TO ENFORCEMENT OF USERRA.**

(a) **IN GENERAL.**—Section 4323 is amended—

- (1) in subsection (b) by striking paragraph (2) and inserting the following new paragraph:

“(2) In the case of an action against a State (as an employer) by a person, the action may be brought in the appropriate district court of the United States or State court of competent juris- diction.”;

(2) by redesignating subsection (i) as sub- section (j); and

(3) by inserting after subsection (h) the fol- lowing new subsection (i):

“(i) **WAIVER OF STATE SOVEREIGN IMMU- NITY.**—(1) A State’s receipt or use of Federal fi- nancial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by—

“(A) a person who is or was an employee in that program or activity for the rights or bene- fits authorized the person by this chapter;

“(B) a person applying to be such an em- ployee in that program or activity for the rights or benefits authorized the person by this chap- ter; or

“(C) a person seeking reemployment as an em- ployee in that program or activity for the rights or benefits authorized the person by this chap- ter.

“(2) In this subsection, the term ‘program or activity’ has the meaning given that term in sec- tion 309 of the Age Discrimination Act of 1975 (42 U.S.C. 6107).”.

(b) **APPLICATION.**—The amendments made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are commenced after the date of the enactment of this Act.

**SEC. 402. CLARIFYING THE DEFINITION OF “SU- CESSOR IN INTEREST”.**

(a) **IN GENERAL.**—Section 4303(4) is amended by adding at the end the following new sub-paragraph:

“(D)(i) Whether the term ‘successor in interest’ applies with respect to an entity described in subparagraph (A) for purposes of clause (iv) of such subparagraph shall be determined on a case-by-case basis using a multi-factor test that considers the following factors:

“(I) Substantial continuity of business operations;

“(II) Use of the same or similar facilities.

“(III) Continuity of work force.

“(IV) Similarity of jobs and working condi- tions.

“(V) Similarity of supervisory personnel.

“(VI) Similarity of machinery, equipment, and production methods.

“(VII) Similarity of products or services.

“(ii) The entity’s lack of notice or awareness of a potential or pending claim under this chapter at the time of a merger, acquisition, or other form of succession shall not be considered when applying the multi-factor test under clause (i).”.

(b) **APPLICATION.**—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 403. CLARIFYING THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—Section 4303(2) is amended by striking “other than” and inserting “includ- ing”.

(b) **APPLICATION.**—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 404. REQUIREMENT THAT FEDERAL AGEN- CIES PROVIDE NOTICE TO CONTRAC- TORs OF POTENTIAL USERRA OBLI- GATIONS.**

(a) **CIVILIAN AGENCIES.**—The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

**SEC. 318. NOTICE TO CONTRACTORS OF POTEN- TIAL OBLIGATIONS RELATING TO EMPLOYMENT AND REEMPLOYMENT OF MEMBERS OF THE ARMED FORCES.**

“Each contract for the procurement of prop- erty or services that is entered into by the head of an executive agency shall include a notice to the contractor that the contractor may have ob- ligations under chapter 43 of title 38, United States Code.”.

(b) **ARMED FORCES.**—

(1) **IN GENERAL.**—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**§2334. Notice to contractors of potential obli- gations relating to employment and reem- ployment of members of the armed forces**

“Each contract for the procurement of prop- erty or services that is entered into by the head

of an executive agency shall include a notice to the contractor that the contractor may have obligations under chapter 43 of title 38.”.

(2) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following new item:

“2334. Notice to contractors of potential obligations relating to employment and reemployment of members of the armed forces.”.

**SEC. 405. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON EFFECTIVENESS OF FEDERAL PROGRAMS OF EDUCATION AND OUTREACH ON EMPLOYER OBLIGATIONS UNDER USERRA.**

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the effectiveness of Federal programs of education and outreach on employer obligations under chapter 43 of title 38, United States Code.

(b) CONTENTS OF STUDY.—In carrying out the study required by subsection (a), the Comptroller General shall—

(1) assess current practices and procedures of Federal agencies for educating employers about their obligations under chapter 43 of title 38, United States Code;

(2) identify best practices for bringing the employment practices of small businesses into compliance with such chapter;

(3) determine whether the Employer Support for the Guard and Reserve, the Small Business Administration, or other agencies could collaborate to develop a program to educate employers regarding their obligations under such chapter; and

(4) determine the effect on recruitment and retention in the National Guard and Reserves of the failure of employers to meet their reemployment obligations under such chapter.

(c) REPORT TO CONGRESS.—Not later than June 30, 2010, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), including the following:

(1) The findings of the Comptroller General with respect to such study.

(2) The recommendations of the Comptroller General for the improvement of education and outreach for employers with respect to their obligations under chapter 43 of title 38, United States Code.

**SEC. 406. TECHNICAL AMENDMENTS.**

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—Section 206(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1316(b)) is amended by striking “under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code” and inserting “under section 4323(d) of title 38, United States Code”.

(b) AMENDMENT TO SECTION 416 OF TITLE 3, UNITED STATES CODE.—Section 416(b) of title 3, United States Code, is amended by striking “under paragraphs (1) and (2)(A) of section 4323(c) of title 38” and inserting “under section 4323(d) of title 38”.

(c) AMENDMENT TO SECTION 4324 OF TITLE 38, UNITED STATES CODE.—Section 4324(b)(4) of title 38, United States Code, is amended by inserting before the period the following: “declining to initiate an action and represent the person before the Merit Systems Protection Board”.

**TITLE V—BURIAL AND MEMORIAL MATTERS**

**SEC. 501. INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.**

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(1)(A) is amended by striking “\$300” and inserting “\$745 (as increased from time to time under subsection (c))”.

(b) INCREASE IN AMOUNT OF PLOT ALLOWANCES.—Section 2303(b) is amended by striking “\$300” each place it appears and inserting “\$745 (as increased from time to time under subsection (c))”.

(c) ANNUAL ADJUSTMENT.—Section 2303 is amended by adding at the end the following new subsection:

“(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the burial and funeral expenses under subsection (a) and in the plot allowance under subsection (b), equal to the percentage by which—

“(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2010.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2011.—No adjustments shall be made under section 2303(c) of title 38, United States Code, as added by subsection (c), for fiscal year 2011.

**TITLE VI—OTHER MATTERS**

**SEC. 601. NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive review of the best treatments for Gulf War Illness.

(b) GROUP OF MEDICAL PROFESSIONALS.—In conducting the study required under subsection (a), the Institute of Medicine shall convene a group of medical professionals who are experienced in treating individuals diagnosed with Gulf War illness as follows:

(1) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(2) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(c) REPORTS.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary and to the appropriate committees of Congress a report on the review required under subsection (a) not later than December 31, 2011. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the review.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the review required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Veterans’ Affairs of the House of Representatives.

(2) GULF WAR ILLNESS.—The term “Gulf War Illness” means a medically unexplained chronic multisymptom illness, such as chronic fatigue syndrome, fibromyalgia, and irritable bowel syndrome, that is defined by a cluster of signs or symptoms relating to service in the Persian Gulf War or Post 9/11 Global Operations theaters.

(3) PERSIAN GULF WAR.—The term “Persian Gulf War” has the meaning given that term in section 101(33) of title 38, United States Code.

(4) POST 9/11 GLOBAL OPERATIONS THEATERS.—The term “Post 9/11 Global Operations theaters” means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

**SEC. 602. EXTENSION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.**

(a) REVIEW AND EVALUATION OF TOXIC DRUGS AND ILLNESSES ASSOCIATED WITH PERSIAN GULF

WAR.—Section 1603(j) of the Persian Gulf War Veterans Act of 1998 (38 U.S.C. 1117 note) is amended by striking “October 1, 2010” and inserting “October 1, 2015”.

**(b) REVIEW AND EVALUATION OF AVAILABLE EVIDENCE REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.**

(1) IN GENERAL.—Section 101(j) of the Veterans Programs Enhancement Act of 1998 (Public Law 105-368; 112 Stat. 3321) is amended by striking “11 years after” and all that follows through “under subsection (b)” and inserting “on October 1, 2018”.

(2) CONFORMING AMENDMENT.—Section 1604 of the Persian Gulf War Veterans Act of 1998 (Public Law 105-277; 38 U.S.C. 1117 note) is repealed.

**SEC. 603. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES.**

Section 315(b) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

**SEC. 604. AGGREGATE AMOUNT OF EDUCATIONAL ASSISTANCE AVAILABLE TO INDIVIDUALS WHO RECEIVE BOTH SURVIVORS’ AND DEPENDENTS EDUCATIONAL ASSISTANCE AND OTHER VETERANS AND RELATED EDUCATIONAL ASSISTANCE.**

(a) AGGREGATE AMOUNT AVAILABLE.—Section 3695 is amended—

(1) in subsection (a)(4), by striking “35”; and (2) by adding at the end the following new subsection:

“(c) The aggregate period for which any person may receive assistance under chapter 35 of this title, on the one hand, and any of the provisions of law referred to in subsection (a), on the other hand, may not exceed 81 months (or the part-time equivalent thereof).”

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 2010, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date.

(c) REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2010, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2010, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

(2) LIMITATION.—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months.

**SEC. 605. TECHNICAL CORRECTION.**

Section 5503(c) is amended by striking “veterans” and inserting “veteran’s”.

**NATIONAL RUNAWAY PREVENTION MONTH**

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 308, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 308) recognizing and supporting the goals and ideals of National Runaway Prevention Month.